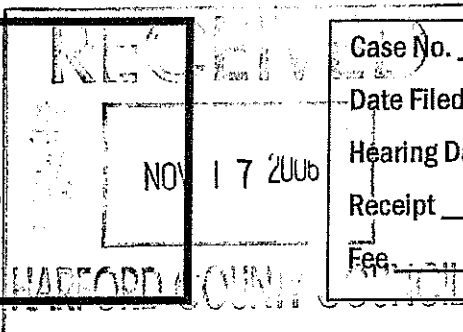


STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014



Case No. 5583
Date Filed 11/09/06
Hearing Date _____
Receipt _____
Fee \$ 50.00

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5583 MAP 41 TYPE Variance
ELECTION DISTRICT 03 LOCATION 1049 Irwins Choice, Bel Air, MD
BY Joseph Saracino and Lisa Gesualdo
Appealed because a variance pursuant to Sec. 267-36B, Table VI of the Harford County
Code to permit a screen porch to maintain an 18' rear yard setback (23' required) in the
R3/COS District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Joseph Saracino Phone Number 410-215-0298

Address 1049 Irwins Choice Bel Air, Md 21014-2507
Street Number Street City State Zip Code

Co-Applicant Lisa Gesualdo Phone Number 410 215-0298

Address 1049 Irwins Choice Bel Air MD 21014-2507
Street Number Street City State Zip Code

Contract Purchaser Mike Diehl Phone Number 410 780-0062

Address 7110 Golden Ring Rd Balto MD 21221
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1049 Irwins Choice on the North side
of Irwins Choice Lot 69 as shown on Plat entitled section one -
Phase Two Plat six. Irwins Choice
Subdivision Irwins Choice Lot Number 69
Acreage/Lot Size 7,361.00 SF Election District 3 Zoning R3/COS
Tax Map No. 41 Grid No. 3A Parcel 632 Water/Sewer: Private ☐ Public ☒
List ALL structures on property and current use: A single family Dwelling

Estimated time required to present case: 15 min

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? _____

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☒ No ☐

Request

To Construct a 14'x14' Screen Room on rear of house.
We will only have a rear setback of 18ft

Justification

Our Lot is Very Shallow at 100ft To the east and
108.11 To The west. This with The fact we have a front set back
of 30. This was done To meet The side yard set backs. This is
The reason We only have a existing rear Set back of 32ft This
with a 14x14 screen Room will only leave us 18ft

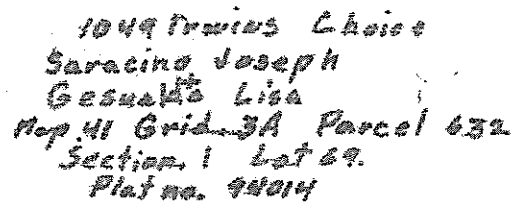
See Attachment

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

The minimum front building restriction line in the subdivision of Irwin's Choice is 25ft. Due to our irregular lot shape (56ft in the front and 90ft in the rear) Our front setback is 30ft. The 5ft we lost in the front is more than we are requesting in this variance.

This project would not be unique to the subdivision. Down the street at 1114 Irwin's Choice has a constructed breakfast room on the rear of the home, most of the houses also have decks. There was a previous variance granted for 1037 Irwin's Choice. Case number 5229 granted a 4ft variance for a deck, the same distance we are requesting.

This screen room would not encroach on our neighbors in anyway and even though the granted variance would reduce our rear setback by 4ft the nearest homes behind ours is a condo complex more than 100ft. From our property.

[illegible]

NOTE: HOUSE SET BY UTILIZATION OF SIDE YARD
AVERAGE SIDE SECTION 30'-25' YARDS OF THE
HARTFORD COUNTY DEVELOPMENT REGULATIONS

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

DEPARTMENT OF PLANNING & ZONING

January 16, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5583

APPLICANT/OWNER: Joseph Saracino
1049 Irwins Choice, Bel Air, Maryland 21014

Co-APPLICANT: Lisa Gesualdo
1049 Irwins Choice, Bel Air, Maryland 21014

CONTRACTOR: Mike Diehl
7110 Golden Ring Road, Baltimore, Maryland 21221

REPRESENTATIVE: Applicants

LOCATION: 1049 Irwins Choice – Development of Irwins Choice
Tax Map: 41 / Grid: 3A / Parcel: 632 / Lot: 69
Election District: Three (3)

ACREAGE: 7,361 square feet or 0.169± of an acre

ZONING: R3/Urban Residential District/Conventional with Open Space (R3/
COS)

DATE FILED: November 9, 2006

HEARING DATE: February 7, 2007

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"To construct a 14 foot by 14 foot screen room on rear of house. We will only have a rear setback of 18 feet."

Preserving Harford's past; promoting Harford's future

(410) 638-3103

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

STAFF REPORT

Board of Appeals Case Number 5583

Joseph Saracino & Lisa Gesualdo

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Justification:

"Our lot is very shallow at 100 feet to the east and 108.11 to the west. This with the fact we have a front setback of 30. This was done to meet the side yard setbacks. This is the reason we only have an existing rear setback of 32 feet. This with a 14 foot by 14 foot screen room will only leave us 18 feet.

The minimum front building restriction line in the subdivision of Irwins Choice is 25 feet. Due to our irregular lot shape (56 feet in the front and 90 feet in the rear) our front setback is 30 feet. The 5 foot we lost in the front is more than we are requiring in this variance.

This project would not be unique to the subdivision. Down the street at 1114 Irwins Choice has a constructed breakfast room on the rear of the home; most of the houses also have decks. There was a previous variance granted for 1037 Irwins Choice. Case number 5229 granted a 4 foot variance for a deck, the same distance we are requesting.

This screen room would not encroach on our neighbors in anyway and even though the granted variance would reduce our rear setback by 4 feet the nearest homes behind ours is a condo complex more than 100 feet from our property."

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to permit a screen porch to maintain an 18 foot rear yard setback (23 foot required) in the R3/Urban Residential District/Conventional with Open Space (R3/COS).

Enclosed with the report is a copy of Section 267-36B, Table VI of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located north of Bel Air and west of Conowingo Road (U.S. Route 1), in the development of Irwins Choice. The lot is situated on the north side of Irwins Choice near the end of the cul de sac and backs up to a condominium development recorded as Village Greens. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations in the area are Low, Medium and High Intensities. There is also an area of Industrial/Employment. The Natural Features Map reflects Parks, Stream Systems and Sensitive

STAFF REPORT

Board of Appeals Case Number 5583

Joseph Saracino & Lisa Gesualdo

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Species Project Review Areas. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in the area are generally in compliance with the intent of the Master Plan. The predominant land use is residential which includes single family dwellings, townhouses and condominiums. Commercial uses along US Route 1 are within the town of Bel Air to the south and the community of Hickory to the north. The topography of the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph and a topography map (Attachment 6 and 7).

The Applicants' lot fronts on the north side of Irwins Choice near the end of the cul de sac (Attachment 8). The lot is approximately 7,361 square feet in size. The improvements consist of a frame 2 story single family dwelling with an attached 2 car garage, a deck on the rear of the dwelling, a blacktopped driveway, 4-foot high picket style fence around the rear yard, a wooden play set, and a small storage building located under the deck. The topography of the lot rises gently up from the road to the front of the house and then begins to slope downward to the rear of the dwelling. The slope drops off sharply to the road and parking area on the property to the rear. Directly to the rear of the subject property is a fenced dumpster. The Applicants' property is nicely landscaped and all improvements appear to be well maintained. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning is predominantly R1, R2 and R3/Urban Residential Districts. Commercial zoning includes B2/Community Business, B3/General Business Districts and CI/Commercial Industrial zoning. The subject lot is zoned R3/Urban Residential District as shown on the enclosed zoning map (Attachment 11).

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Joseph Saracino & Lisa Gesualdo

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SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table VI of the Harford County Code to permit a screen porch to maintain an 18 foot rear yard setback (23 foot required) in the R3/Urban Residential District/Conventional with Open Space (R3/COS).

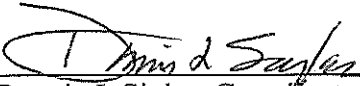
Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

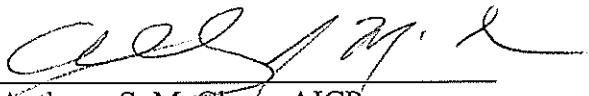
The Department finds that the subject property is unique. The lot is located near the end of the cul de sac. The angle of the lot lines forced the dwelling to be located further back on the lot in order to meet setback requirements. The dwelling was constructed approximately 5 feet to the rear of the front yard setback line. The Applicants' property backs up to Village Green condominium project which sits at an elevation of 8 feet or more below the subject lot. The area immediately abutting is a driveway and parking area. Directly to the rear of the Applicants' property is a fenced dumpster for the condominium project. The requested variance will not adversely impact the adjacent properties or the intent of the Code.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions.

- 1) The approval is for a screened porch only.
- 2) The porch shall not be enclosed in the future.
- 3) The applicants shall obtain all necessary permits and inspections for the porch.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf